

Report on the

**Board of
Occupational Therapy**
Montgomery, Alabama



**Department of
Examiners of Public Accounts**

**50 North Ripley Street, Room 3201
P.O. Box 302251
Montgomery, Alabama 36130-2251**

Ronald L. Jones, Chief Examiner

STATE OF ALABAMA
Department of
EXAMINERS OF PUBLIC ACCOUNTS

Telephone (334) 242-9200
FAX (334) 242-1775

Ronald L. Jones
Chief Examiner

Mailing Address:
P.O. Box 302251
Montgomery, AL 36130-2251

Location:
Gordon Persons Building
50 North Ripley Street, Room 3201
Montgomery, AL 36104-3833

May 24, 2006

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board of Occupational Therapy** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Occupational Therapy**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

CONTENTS

	<u>Page No.</u>
Profile.....	1
Significant Items	4
Status of Prior Findings	6
Organization.....	7
Personnel.....	7
Performance Characteristics	7
Financial Information.....	9
Schedule of Fees	9
Schedule of Cash Receipts, Disbursements, and Balances.....	10
Questionnaires.....	12
Board Members.....	12
Occupational Therapists	14
Occupational Therapy Assistants.....	19
Complainants	23
APPENDICES	25
Statutory Authority	25
Smart Budgeting	37
Board Members.....	40

PROFILE

Purpose/Authority –

The Board of Occupational Therapy was created by Act No. 383, *Acts of Alabama 1990*, to regulate and license the practice of occupational therapy. The act is codified as the *Code of Alabama 1975*, Sections 34-39-1 through 34-39-16.

Board Characteristics -

Members	Five
Term	Three-year staggered terms
Selection	Appointed by the Governor from nominees submitted by the Alabama Occupational Therapy Association
Qualifications	<p>Four members must be licensed in the practice of occupational therapy for at least three years, and one of the four must be licensed as an occupational therapy assistant.</p> <p>One must be a member of another health profession or a member of the public with interest in the rights or the concerns of health services.</p>
Racial Representation	Statutory requirement for one minority member. The board has two black female members.
Geographical Representation	No geographical representation requirement
Consumer Representation	One member must be a member of another health profession or a member of the public. The consumer member position is vacant.
Other Representation	Membership must be inclusive and reflects the racial, gender, geographic, urban/rural and economic diversity of the state.
Compensation	No compensation specified by law. The <i>Code of Alabama 1975</i> , Section 34-39-6 provides that, “Members may be reimbursed for reasonable and necessary expenses actually incurred in the performance of their duties in accordance with the laws of the State of Alabama and regulations of the State Personnel Director.”

Operations

Administrator	Ann Cosby, Executive Director Appointed by the board \$52,481 annual salary
Location	64 North Union Street, Suite 734 Montgomery, AL 36130-4510
Type(s) of License	Occupational Therapist – 939 Occupational Therapy Assistant – 416
Qualifications of Licensees	<p>Occupational Therapist:</p> <ul style="list-style-type: none">• Complete the academic requirements of an educational program in Occupational Therapy accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc.• A minimum of 24 weeks of supervised fieldwork• Pass exam administered by the National Board for Certification of Occupational Therapists <p>Occupational Therapy Assistant:</p> <ul style="list-style-type: none">• Complete the academic requirements of an educational program in Occupational Therapy accredited by the American Occupational Therapy Association.• A minimum of eight weeks of supervised fieldwork• Pass exam administered by the National Board for Certification of Occupational Therapists
Renewals	The original license is for a one-year period. The renewal is for a 2-year period.
Staggered Renewals	Yes
Examinations	National examination administered quarterly by the National Board for Certification of Occupational Therapists (for therapists and assistants)

Continuing Education	Occupational therapists are required to complete 1.5 Continuing Education Units (CEUs) (15 contact hours) every year, or 3 CEUs (30 contact hours) every two years. Occupational therapy assistants are required to complete 1 CEU (10 contact hours) every year, or 2 CEUs (20 contact hours) every two years.
Reciprocity	The board may waive the examination, education, or experience requirements and grant a license to any applicant who presents proof of current licensure in another state that requires standards equivalent to those of the board.
Employees	One
Legal counsel	Assistant Attorney General Billington M. Garrett
Subpoena power	<i>Code of Alabama 1975</i> , Section 34-39-7(f) states in part, “The board may investigate complaints and allegations concerning the violation of this chapter and may examine witnesses, <u>issue subpoenas</u> , and administer oaths in connection with these investigations.”
Internet Presence	The board maintains a website at www.ot.alabama.gov . The website contains information on: <ul style="list-style-type: none"> • Board Members • Sections of the <i>Code of Alabama 1975</i> pertaining to the practice of occupational therapy • Rules and Regulations • Forms and Publications • Additional Links to national occupational therapy associations
Attended Board Member Training	Executive Director, three board members

Financial Information

Source of Funds	License fees
State Treasury	Yes
Unused Funds	The board retains all unused funds at year end.

SIGNIFICANT ITEMS

1. **The board established fees without utilizing the rule-making processes of the Alabama Administrative Procedures Act, thereby avoiding a required period of public notification and approval by the Legislative Council.** The board's enabling statutes authorize the board to establish fees for its operations but do not provide fee amounts. Establishment of fee amounts must be accomplished through one or more administrative rules created by the board according to the procedures for rule making found in Alabama's Administrative Procedure Act. These procedures include a period of public notification and approval by the Legislative Council. The board created administrative rules that address the setting of fees, but the rules do not state the fee amounts. The rules merely restate the law that authorizes the board to set fees. The board then sets and changes fees without the public notice and approvals required by the Administrative Procedure Act.

The *Code of Alabama 1975*, Section 34-39-7, regarding duties of the board, provides, among other things, that:

- (c) "The board shall adopt and publish rules and regulations relating to the professional conduct to carry out the policies of this chapter,"
- (i) "The board may establish and publish reasonable fees as established in Section 34-39-14."

The *Code of Alabama 1975*, Section 34-39-14 provides for fees as follows:

"The board is empowered to establish, publish and collect reasonable fees and costs in amounts determined by the board for the following purposes:

- (1) Application for examination;
- (2) Limited permit fee;
- (3) Initial license fee;
- (4) Renewal of license fee;
- (5) Late renewal fee; and
- (6) The costs of conducting a hearing of any person whose license or certificate of qualification is suspended, revoked or refused as a result of such hearing."

The board's administrative rule 625-X-7-.01, regarding fees, merely restates the *Code of Alabama 1975*, Section 34-39-14, as follows:

"The following are the fees, payable to the ASBOT, which shall be collected by the board:

- (a) Initial license fee
- (b) Limited permit fee
- (c) Renewal of license fee
- (d) Late renewal fee

- (e) The cost of conducting a hearing of any person whose license is suspended, revoked or refused as a result of such hearings.”

Also, the board’s administrative rule 625-X-7-.02, regarding miscellaneous costs, establishes the following fees:

“The following costs may be assigned to applicants by the board for the following activities:

- (a) Issuance of a duplicate license
- (b) Photocopying of any material not otherwise privileged and in the custody of the board
- (c) Letter of verification to other regulatory or certification boards attesting to the status of a licensee
- (d) Other operational expenses incurred by the board.”

The board, at its July 18, 2002 meeting, set the following fees:

Description	Fee Amount
Initial License, Occupational Therapist	\$115.00
Initial License, Occupational Therapy Assistant	\$95.00
Change from OTA to OT Before Next Renewal Period	\$20.00
Limited Permits	\$25.00
Renewal, Occupational Therapist	\$115.00
Renewal, Occupational Therapy Assistant	\$95.00
License Renewal Late Fee	\$50.00
Laws, Rules, and Regulations Booklet	\$1.50
Licensee List	\$10.00
Licensee Mailing Labels	\$25.00
Licensee Verifications to Other States	\$25.00

Response

Ann Cosby, Executive Director, responded, “Throughout the history of this Board, we have amended our fee schedule twice. In 1998, a reduction of fees for license renewal was approved. For several years after that, we had a decrease of licensees, and our end of year funds was decreasing. In 2002, during our Sunset Review, the committee suggested an increase of fees due to the deficit. In July 2002, the board did review, and approve a decrease of some fees, and an increase of others to be effective January 1, 2003. All licensees were immediately notified in writing of the changes with an explanation of why there was a need to amend the fee schedule. This finding will be included on the agenda for the next meeting of this board. We will start proceedings to amend our Administrative Code to include fee amounts.”

2. Members of the board who take part in complaint investigations do not recuse themselves from resulting board hearings. This practice could cause the

board's disciplinary decisions to be successfully challenged on the basis of compromised impartiality.

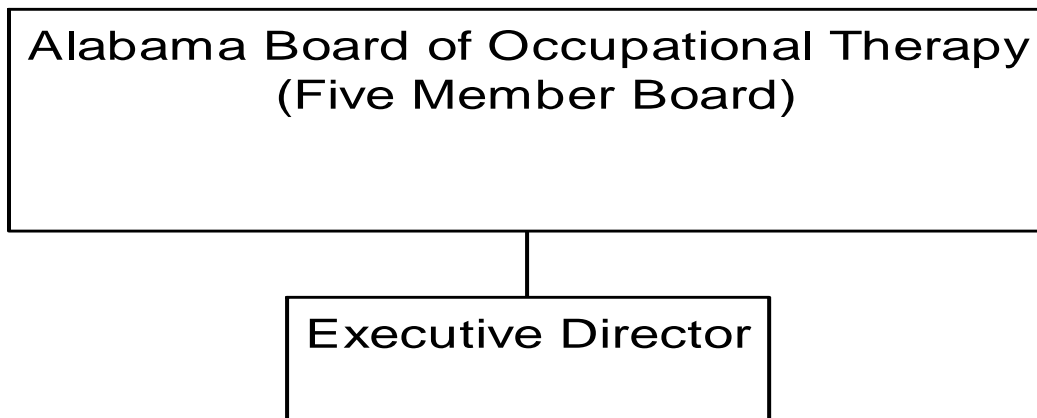
Response

The board did not respond to this significant item.

STATUS OF PRIOR FINDINGS

There were no prior findings.

ORGANIZATION



PERSONNEL

<u>Title</u>	<u>Merit System Classification</u>	<u>Number of Employees</u>	<u>Race</u>	<u>Gender</u>
Executive Director,	Unclassified	One	White	Female

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 1,355

Number of Persons per Licensee in Alabama and Surrounding States -

	Population (estimate)	Number of Licensees	Persons Per Licensee
Alabama	4,557,808	1,355	3,364
Florida	17,789,864	7,401	2,404
Georgia	9,072,576	2,932	3,094
Mississippi	2,921,088	971	3,008
Tennessee	5,962,959	2,355	2,532

Operating Disbursements per Licensee (FY 2005) – \$62.39

Notification to Licensees of Board Decisions to Amend Administrative Rules

The board submits rule changes for public notice to the Administrative Monthly in accordance with the requirements of Alabama's Administrative Procedure Act.

The board sends licensees mailings that describe rule changes and their effect on the licensees.

Complaint Process

Initial Documentation	Complaints are accepted either by phone or by mail by the executive director.
Investigative Members	After consultation with legal counsel, the executive director requests an investigator, if available, or a board member to review, to investigate, and to submit a report of findings.
Formal Hearings	After an investigation report is provided, the executive director, legal counsel, and one board member review the information and determine if there is probable cause for an administrative hearing, and either dismiss the charges or prepare for an administrative hearing.
Anonymous Complaints	Anonymous complaints are not accepted.
Investigative Board Member	Hearings are always before the full board, including any member who investigated the matter.

Disposition summary

FY	Number of Complaints	Resolved Complaints	Average Time of Resolution	Source
2002	5*	1	3 months	Board Records
2003	1	4	3 months	Board Records
2004	5	5	3 months	Board Records
2005	2	2	3 months	Board Records

* One complaint from 2001 continues to remain open until all payments from settlement are received.

SMART Budgeting

The board has submitted a Smart Budgeting operations plan and has submitted the first quarter's performance report, as required. Both are included in the appendices of this report.

FINANCIAL INFORMATION

Schedule of Fees

<u>Type of Fees</u>	<u>Amount Charged</u>	<u>Amount Authorized</u>	<u>Statutory Authority</u>
OT License/Renewal	\$115.00	Set by the Board	34-39-14
OTA License/Renewal	\$95.00	Set by the Board	34-39-14
Limited Permit	\$25.00	Set by the Board	34-39-14
Late Renewal Fee	\$50.00	Set by the Board	34-39-14
Copy of Practice Act/ Rules & Regulations	\$1.50	Cost Recovery	41-22-4
Licensure List	\$10.00	Cost Recovery	41-22-4
Licensure Labels	\$25.00	Cost Recovery	41-22-4
Verification of License (to another state licensure board)	\$25.00	Cost Recovery	41-22-4

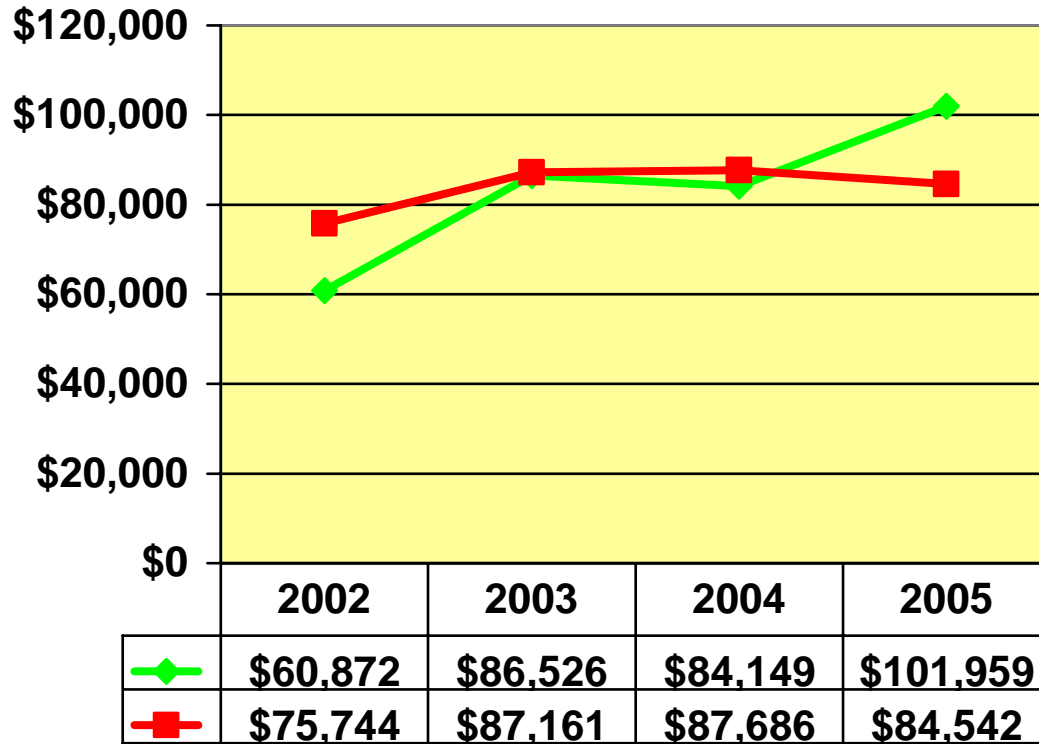
Schedule of Cash Receipts, Disbursements, and Balances

	2001-2002	2002-2003	2003-2004	2004-2005
Receipts				
License Fees	\$ 60,872.00	\$ 86,526.00	\$ 84,148.50	\$ 101,958.92
Total	60,872.00	86,526.00	84,148.50	101,958.92
Disbursements				
Personnel Costs	42,741.43	48,493.50	49,321.10	49,375.22
Employee Benefits	10,172.69	11,313.96	12,048.26	14,167.05
In-state Travel	2,072.57	1,958.04	1,094.41	1,073.10
Out of State Travel	1,543.26	1,664.49	1,783.32	-
Repairs and Maintenance	-	120.00	-	-
Rentals and Leases	11,478.24	11,567.07	11,377.14	11,495.40
Utilities and Communications	4,611.52	4,969.29	4,993.18	4,278.88
Professional Services	450.24	3,625.76	2,371.79	785.30
Supplies, Materials, and Operating	2,648.65	3,423.94	4,696.70	3,367.29
Grants and Benefits	25.00	25.00	-	-
Total	75,743.60	87,161.05	87,685.90	84,542.24
Excess/(Deficiency) of Receipts over Disbursements	(14,871.60)	(635.05)	(3,537.40)	17,416.68
Cash Balances at Beginning of Year	85,868.06	70,996.46	70,361.41	66,824.01
Cash Balances at End of Year	70,996.46	70,361.41	66,824.01	84,240.69
Reserved for Unpaid Obligations	(7,267.90)	(3,054.02)	(8,643.75)	(1,770.95)
Unreserved Cash Balances at end of Year	\$ 63,728.56	\$ 67,307.39	\$ 58,180.26	\$ 82,469.74

Receipts vs. Operating Disbursements

Board of Occupational Therapy

10/01/02 through 09/30/05



QUESTIONNAIRES

Board Members

Questionnaires were sent to all five board members. Two responded.

Question #1

What are the most significant issues currently facing the Board of Occupational Therapy, and how is the Board addressing these issues?

- 1) Very slow response from Governor's office with reappointments. Some board members are 2 years overdue for replacement. No public member in over 2-3 yrs due to resignation and no appointment. Could get board so low – cannot get quorum then not able to protect consumer.
- 2) Abuse in scope of practice at therapist and assistant level. Always need to watch out for consumers by knowledgeable board.
- No response

Question #2

What changes to the Board's laws are needed?

- 1) Terms need to be increased to 5 yrs to help alleviate problems created in #1 above.
- 2) Need better geographic representation. Always heavy in Montgomery/Mobile area.
- None at this time.

Question #3

Is the Board of Occupational Therapy adequately staffed?

Yes	1	No	1	Unknown		No Opinion	
-----	---	----	---	---------	--	------------	--

- No response
- The board could use secretarial support.

Question #4

Is the Board adequately funded?

Yes	1	No		Unknown		No Opinion	1
-----	---	----	--	---------	--	------------	---

- We experienced a slump noticed by last sunset. This was after we had lowered fees. We have since increased fees and are on the way back up.
- Should the board secure secretarial support, there might be a need for increased funding.

Question #5

What is the purpose of your fiscal year end balance of unobligated funds?

- Surplus at end of year is barely enough to marginally keep us afloat. Need extra for contingency fund if we should face litigation or lengthy investigation.
- 1) Retain additional funds in case of an emergency, when the services needed cannot be supported by other state agencies.
2) Maintain reserves.
3) Have monies to start a new year.

Occupational Therapists

Questionnaires were sent to one hundred (100) Occupational Therapists. Fifty four (54) responded.

Question #1

Do you think regulation of your profession by the Board of Occupational Therapy is necessary to protect public welfare?

Yes	52	No		Unknown	2	No Opinion	
-----	----	----	--	---------	---	------------	--

Question #2

Do you think any of the Board's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Yes	1	No	49	Unknown	2	No Opinion	2
-----	---	----	----	---------	---	------------	---

Question #3

Do you think any of the Board's requirements are irrelevant to the competent practice of your profession?

Yes	4	No	45	Unknown	4	No Opinion	1
-----	---	----	----	---------	---	------------	---

Question #4

Are you adequately informed by the Board of Occupational Therapy of changes to and interpretations of Board positions, policies, rules, and laws?

Yes	40	No	7	Unknown	6	No Opinion	1
-----	----	----	---	---------	---	------------	---

Question #5

Has the Board of Occupational Therapy performed your licensing and renewal in a timely manner?

Licensing:	Yes	54	No		No Opinion	
Renewal:	Yes	54	No		No Opinion	

- Been licensed in 4 states – this is by far the most efficient!
- Fair

Question #6**Do you consider mandatory continuing education necessary for competent practice?**

Yes	47	No	6	Unknown		No Opinion	1
-----	----	----	---	---------	--	------------	---

- I do feel the number of CEU hrs. could be reduced. Cont. Ed. is quite expensive!

Question #7**Has the Board approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?**

Yes	49	No	4	Unknown		No Opinion	1
-----	----	----	---	---------	--	------------	---

- May be too easy!

Question #8**What do you think is the most significant issue(s) currently facing your profession in Alabama, and what is the Board doing to address the issue(s)?**

- Reimbursement, doing all they can to (increase) it.
- No response.
- Reimbursement for DME and splinting. Unaware of what Board is doing to pursue.
- Issues with Medicare, MA and other reimbursement sources denying coverage of OT services. Not aware of any action the board is taking. We do have a political rep.
- Competency – required continuing education and regulating the qualified therapist.
- Reimbursement.
- BC/BS payments – the board has worked to get some diagnosis codes approved but not all. They continue to work with BC/BS on our behalf.
- No response.
- Most significant would be the unfair trade practices that exist between OT/PT, and the insurance providers' discriminatory policies related to reimbursement, with nothing done by the Board.

- Reimbursement restrictions of Blue Cross/Blue Shield of Alabama; I am not sure the board is actively addressing this.
- No response.
- *POPTS – (Physician Owned Therapy Facilities -- *Killing the private practitioner and staff!!)> Nothing!!
*Medicare law changes, i.e., caps – new orthotic law, etc. Our board really needs to stay involved in this!
- 1. Limited direct access (no physician orders) (Board has not addressed).
2. OT practice in private schools, too; without physician's orders (Board has not addressed)
- Maintaining our practice act and keeping ADLs as part of OT's domain and not PT's/other disciplines. I believe I heard that we had someone lobbying for us, but that's about all I know!
- Blue Cross/Blue Shield coverage of OT services. The board makes visits to Montgomery and lobbies for our profession and our unique characteristics.
- No response.
- Funding issues secondary to Medicare changes. Active as members of the profession in grassroots efforts to change.
- No response.
- More available cont. ed. that is affordable.
- Other professions attempting to broaden their scope of practice to include traditional OT practice. Physical Therapy scope of practice should allow only what fits into their educational background. I am unaware of the board addressing this issue.
- No response.
- Protecting the professional services that OT provides. Lobbying to make sure that the services and functions of OT remains under the auspices of the profession.
- No comment.
- Reimbursement. Unaware of board's actions.
- No response.

- I believe that reimbursement issues are some of the most issues effecting OT practice. I also see physical therapy attempting to take on practice areas of occupational therapy through national and state lobbying and practice act changes.
- No response.
- No response.
- Ethics (staff and upper management) – what (?) – all areas, especially skilled nurse fac.
- Third party reimbursement, they have worked to improve reimbursement from BC/BS – a major carrier in this state.
- No response.
- Reimbursement. Board is supportive and aware.
- Reimbursement by insurance companies and infringement on OT practice by PT. Not sure what the board is doing.
- No response.
- Services paid by, i.e., BC/BS. OT recognition in Allied Health/medical fields.
- Medicare reimbursement and restrictions.
- No response.
- Continuing education is most important to keep therapist competence at a satisfactory level.
- I don't know of any significant issues.
- Reimbursement for services from third party payers. Not much the board can do on this issue. They are attempting to maintain high standards of practice for the profession.
- Reimbursement for services; lobbying
 - – Encroachment on our profession by other professions
 - – Insurance reimbursement issues
- Part B Medicare reimbursement

- No response
- No response
- Infringement of other professions. I think the board is working to protect my interest and works closely with our state association (ALOTA).
- No response
- The Medicare Part B financial caps; I don't think and/or I'm unaware of the state's board involvement in this issue.
- No response
- No response
- No response
- No response
- ?

Question #9

Do you think the Board of Occupational Therapy and its staff are satisfactorily performing their duties?

Yes	36	No	3	Unknown	10	No Opinion	5
-----	----	----	---	---------	----	------------	---

- Do not fully know their duties.
- Fair.

Question #10

Has any member of the Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

Yes	1	No	53	Unknown		No Opinion	
-----	---	----	----	---------	--	------------	--

Occupational Therapy Assistants

Questionnaires were sent to one hundred (100) licensees. Forty one (41) responded.

Question #1

Do you think regulation of your profession by the Board of Occupational Therapy is necessary to protect public welfare?

Yes	38	No	1	Unknown	2	No Opinion	
-----	----	----	---	---------	---	------------	--

Question #2

Do you think any of the Board's laws, rules, and policies are an unnecessary restriction on the practice of your profession?

Yes	1	No	35	Unknown	3	No Opinion	2
-----	---	----	----	---------	---	------------	---

Question #3

Do you think any of the Board's requirements are irrelevant to the competent practice of your profession?

Yes	1	No	32	Unknown	4	No Opinion	4
-----	---	----	----	---------	---	------------	---

- Some, not all (are irrelevant)

Question #4

Are you adequately informed by the Board of Occupational Therapy of changes to and interpretations of Board positions, policies, rules, and laws?

Yes	29	No	5	Unknown	6	No Opinion	1
-----	----	----	---	---------	---	------------	---

Question #5

Has the Board of Occupational Therapy performed your licensing and renewal in a timely manner?

Licensing:	Yes	40	No		No Opinion	1
Renewal:	Yes	39	No		No Opinion	2

Question #6**Do you consider mandatory continuing education necessary for competent practice?**

Yes	36	No	4	Unknown	1	No Opinion	
-----	----	----	---	---------	---	------------	--

Question #7**Has the Board approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?**

Yes	37	No	2	Unknown	1	No Opinion	1
-----	----	----	---	---------	---	------------	---

- Would like to see more offered in Mobile area.

Question #8**What do you think is the most significant issue(s) currently facing your profession in Alabama, and what is the Board doing to address the issue(s)?**

- Unknown
- Getting continued insurance reimbursement for Occupational Therapy services
- Blue Cross/Blue Shield not allowing OT to treat or limiting OT treating patients as outpatients. The Board is working with the various associations within the state to assist with various questions and assist as needed.
- No response
- Part B caps. The Board is helping fight against them.
- Turnover of the Part B caps and lobbying for our profession.
- No response
- No response
- Reimbursement for services
- – Lack of COTA programs
– Why is OTR program now only Masters instead of Bachelor?
- Continuing decrease in Medicare payments and constant change to PPS RUGS system.

- Profession specifics and education of what OT is.
- No response
- The need for OT in different areas. Branching out to meet the needs of the acute care population and reaching our full potential in shoulder, hand, and other more physical needs.
- – Cap on Medicare
– Educating doctors and the general public about what occupational therapy is and how we can help someone with any deficits.
- No response
- No response
- The necessity of OT. Hopefully, providing people with education on OT to increase customers and future strength of OT.
- Medicare Part B caps on OT and lobbying to have caps overturned for sufficient patient care needs.
- What and how students are learning/taught OT.
- Caps on Part B
- No response
- No response
- Lack of outpatient OT coverage by certain HMOs and Medicaid. I thought the Board had a lobbyist? Unsure what the Board is doing. Also, PT Association adding ADLs (Activities of Daily Living) to scope of practice.
- Medicare Part B cap. Not sure what's being done.
- Keep the profession active. Lobbyist to assure the protection of the profession.
- Reimbursement. Yes.
- Blue Cross reimbursement for OT services.
- No response
- No response

- Unsure.
- No response
- Making sure that we are not replaced by under-qualified technical level positions.
- No response
- No response
- Med B caps, I don't know what the board is doing.
- Cap on Part B
- Out-patient reimbursement, Medicare cap.
- Medicare caps, PT-OT conflict.
- Limited number of COTA schools – directly affects the growth of COTA profession in the state of Alabama.
- No response

Question #9

Do you think the Board of Occupational Therapy and its staff are satisfactorily performing their duties?

Yes	34	No		Unknown	4	No Opinion	3
-----	----	----	--	---------	---	------------	---

Question #10

Has any member of the Board or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board service for you?

Yes		No	41	Unknown		No Opinion	
-----	--	----	----	---------	--	------------	--

Complainants

Questionnaires were sent to two (2) complainants. One (1) responded.

Question #1

Was your complaint filed with the Board of Occupational Therapy by:

Mail	X	Phone	X	Fax	
	Other		Unknown		

- (Phoned) to inquire about how to file complaint.

Question #2

Was receipt of your complaint promptly acknowledged?

Yes		No	X	Unknown	
-----	--	----	---	---------	--

If yes, approximately how long after you filed your complaint were you contacted by the Board of Occupational Therapy?

Immediately		Within 10 days		Within 20 days	
Within 30 days		More than 30 days		Did not respond	X
		Unknown			

Question #3

Was the employee who responded to your complaint knowledgeable and courteous?

Knowledgeable		Courteous	
Neither	X	Unknown	

Question #4

Did the Board of Occupational Therapy communicate the results of investigating your complaint to you?

Yes		No	X	Unknown	
-----	--	----	---	---------	--

Question #5

Do you think the Board of Occupational Therapy did everything it could to resolve your complaint?

Yes		No	X	Unknown	
-----	--	----	---	---------	--

Question #6

Were you satisfied with your dealings with the Board of Occupational Therapy?

Yes	X	No		Unknown	
-----	---	----	--	---------	--

- I never expected a response from the Board. Ms. Cosby is always gracious and very helpful.

APPENDICES

Statutory Authority

CHAPTER 39. OCCUPATIONAL THERAPY PRACTICE ACT.

HISTORICAL NOTES

HISTORY

Effective date:

The act which added this chapter became effective April 17, 1990.

REFERENCES

ADMINISTRATIVE CODE

17 Ala. Admin. Code 625-X-1-.01 et seq., Board of Occupational Therapy.

§ 34-39-1. Short title.

This chapter shall be known and may be cited as the "Alabama State Occupational Therapy Practice Act." (Acts 1990, No. 90-383, p. 515, § 1.)

§ 34-39-2. Purpose.

The Alabama State Occupational Therapy Practice Act is enacted to safeguard the public health, safety, and welfare, and to assure the availability of high quality occupational therapy services to persons in need of such services. It is the purpose of this chapter to provide for the regulation of persons offering themselves as occupational therapists or as occupational therapy assistants. (Acts 1990, No. 90-383, p. 515, § 2)

§ 34-39-3. Definitions. [Historical Notes](#)

In this chapter, the following terms shall have the respective meanings provided in this section unless the context clearly requires a different meaning:

- (1) Association. The Alabama Occupational Therapy Association.
- (2) Board. The Alabama State Board of Occupational Therapy.
- (3) License. A valid and current certificate of registration issued by the Alabama State Board of Occupational Therapy.
- (4) Occupational therapy. The application of purposeful activity in which one engages for evaluation, treatment, and consultation related to problems interfering with functional performance in persons impaired or threatened by physical illness or injury; psychosocial dysfunction; congenital dysfunction; developmental and learning dysfunction; the aging process; environmental deprivation or anticipated dysfunction; in order to maximize independence, prevent disability, and maintain health. Specific occupational therapy services include, but are not limited to, evaluation techniques such as assessment of sensory motor abilities; assessment of the development of self-care activities and capacity for independence; assessment of the capacity for work readiness and work tasks;

assessment of play and leisure performance; and assessment of environmental areas for the handicapped. Specific occupational therapy treatment techniques include activities of daily living (ADL); the design, fabrication, and application of selected splints or orthotics, or both; sensorimotor activities and exercise; the use of specifically designed goal oriented arts and crafts; design, fabrication, selection, and use of adaptive equipment; therapeutic activities, modalities, and exercises to enhance functional performance; work readiness evaluation and training. An occupational therapist or occupational therapy assistant is qualified to perform the above activities for which they have received training and any other activities for which appropriate training or education, or both, has been received. Notwithstanding any other provision of this chapter, no occupational therapy treatment programs to be rendered by an occupational therapist, occupational therapy assistant, or occupational therapy aide shall be initiated without the referral of a licensed physician, a licensed chiropractor, a licensed optometrist, or a licensed dentist who shall establish a diagnosis of the condition for which the individual will receive occupational therapy services. In cases of long-term or chronic disease, disability, or dysfunction, or any combination of the foregoing, requiring continued occupational therapy services, the person receiving occupational therapy services shall be reevaluated by a licensed physician, a licensed chiropractor, a licensed optometrist, or a licensed dentist at least annually for confirmation or modification of the diagnosis. Occupational therapists employed by state agencies and those employed by the public schools and colleges of this state who provide screening and rehabilitation services for the educationally related needs of the students are exempt from this referral requirement.

(5) Occupational therapist. A person licensed to practice occupational therapy whose license is in good standing.

(6) Occupational therapy assistant. A person licensed to assist in the practices of occupational therapy under the supervision of, or with the consultation of, a licensed occupational therapist whose license is in good standing.

(7) Occupational therapy aide. A person who assists in the delivery of occupational therapy, who works under direct on-site supervision of an occupational therapist or occupational therapy assistant, or both, and whose activities require an understanding of occupational therapy but do not require professional or advanced training in the basic anatomical, biological, psychological, and social sciences involved in the practice of occupational therapy.

(8) Person. A human person only, not a legal entity.

(9) With the consultation of. The collaboration of two or more persons on a regularly scheduled basis for the purpose of planning, review, or evaluation of occupational therapy services. (Acts 1990, No. 90-383, p. 515, § 3; Acts 1995, No. 95-279, p. 502, § 3; Act 99-92, p. 108, § 3; Act 2003-62, p. 96, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1995 amendment, effective June 29, 1995, deleted former subdivision (4) which defined person; in present subdivision (4), substituted "a licensed physician or dentist" for "a physician or dentist licensed to practice in this state," in the fifth sentence, and in the sixth sentence, substituted "or" for "and/or," and inserted "or any combination of the foregoing"; deleted "and" following "therapist" in subdivision (6); and made nonsubstantive changes.

The 1999 amendment, effective April 21, 1999, in subdivision (4) inserted ", including a licensed chiropractor," in two places.

The 2003 amendment, effective May 13, 2003, in subdivision (4) substituted "a license chiropractor, a licensed optometrist, or a licensed" for "including a licensed chiropractor, or" in two places, deleted "medical" preceding "diagnosis of", substituted "shall be reevaluated" for "must be reevaluated", and deleted "medical" preceding "diagnosis.", and in subdivision (5) deleted "as defined in this chapter, and" following "therapy".

§ 34-39-4. Representation of self as occupational therapist or therapy assistant without license prohibited. [References](#)

(a) No person may present himself/herself as an occupational therapist or an occupational therapy assistant in this state unless he or she is licensed in accordance with the provisions of this chapter. No firm, partnership, association or corporation may advertise or otherwise offer to provide or convey the impression that it is providing occupational therapy unless an individual holding a current valid license or limited permit under this chapter is or will at the appropriate time be rendering the occupational therapy services to which reference is made.

(b) It is unlawful for any person not licensed as an occupational therapist or an occupational therapy assistant or whose license has been suspended or revoked to use in connection with his/her name or place of business the words "occupational therapist," "licensed occupational therapist," "occupational therapy assistant," "licensed occupational therapy assistant," or the letters "O.T.," "L.O.T.," "O.T.R./L.," "O.T.A.," "L.O.T.A.," "C.O.T.A./L.," thereby indicating or implying that he/she is qualified to practice in this state as a licensed occupational therapist or a licensed occupational therapy assistant. It is unlawful also for any person not licensed under this chapter to show in any other way, orally, in writing, in print, or by sign, directly or by implication that he/she is engaged in performing occupational therapy services. (Acts 1990, No. 90-383, p. 515, § 4.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(1), 6(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11-15, 18, 28.

§ 34-39-5. Exceptions. [Historical Notes](#) [References](#)

Nothing in this chapter shall be construed as preventing or restricting the practice, services, or activities of any of the following persons:

(1) Any person licensed under any other law of the state from engaging in the profession for which he or she is licensed.

(2) Any person employed as an occupational therapist or an occupational therapy assistant by the government of the United States, if the person provides occupational therapy solely under the direction or control of the organization by which he or she is employed.

(3) Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program if the activities and services constitute a part of a supervised course of study, if the person is designated by a title which clearly indicates his or her status as a student or trainee.

(4) Any person fulfilling the supervised fieldwork experience requirements of subdivision (2) of Section 34-39-8.

(Acts 1990, No. 90-383, p. 515, § 5; Acts 1995, No. 95-279, p. 502, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1995 amendment, effective June 29, 1995, added "any of the following persons" at the end of the introductory paragraph; deleted "of Alabama" following "state" in subdivision (1); substituted "subdivision (2) of Section 34-39-8" for "section 34-39-8 (2)" in subdivision (4); deleted former subdivision (5) which related to performing occupational therapy services for less than 30 calendar days without being licensed under this chapter; and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒ 5(1), 6(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11-15, 18, 28.

§ 34-39-6. Board of Occupational Therapy established; composition fund created. [Historical Notes](#) [References](#)

(a) There is established the Alabama State Board of Occupational Therapy.

(1) The board shall consist of five members, four of whom shall be involved in the practice of occupational therapy, of which one shall be an occupational therapy assistant. The remaining member shall be a member of another health profession or a member of the public with an interest in the rights or the concerns of health services. The occupational therapy board members shall be appointed by the Governor from a list submitted by the Alabama Occupational Therapy Association. In appointing members to the board, the association and the Governor, to the extent possible, shall select those persons whose appointments ensure that the membership of the board is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state. Those board members who are occupational therapists, of which one shall be a minority, and occupational therapy assistants shall have been engaged in rendering services to the public, teaching, or research in occupational therapy for at least three years, and shall at all times be holders of valid licenses for the practice of occupational therapy in Alabama. Except for the members in the initial board, all members who are occupational therapists and occupational therapy assistants shall fulfill the requirements for licensure pursuant to this chapter. Terms of appointment for the initial board members shall be as follows: Two members shall serve a one-year term; two members shall serve a two-year term; and one member shall serve a three-year term.

(2) The board shall, within 90 days after April 17, 1990, be selected as provided in subdivision (1). At the expiration of the initial terms, board members shall be appointed in the same manner as initial appointments, each for a period of three years. No person shall be appointed to serve more than two consecutive terms.

(3) Terms shall begin on the first day of the calendar year and end on the last day of the calendar year, or until successors are appointed, except for the initial members who shall serve through the last calendar day of the year in which they are appointed before the commencement of the terms prescribed by subdivision (1).

(4) Within 45 days after April 17, 1990, and annually thereafter, the association shall submit two or three names for each position on the board to be filled. In the event of a midterm vacancy in one of the positions on the board, the Governor shall appoint a member to fill the unexpired term from a list submitted by the association in the same manner as provided in subdivision (1).

(5) The Governor, after notice and opportunity for hearing by the board, may remove any member of the board for neglect of duty, incompetence, revocation or suspension of the license of the member, or other dishonorable conduct. After removal, the Governor shall appoint a successor to the unexpired term from a list of two or three names submitted by the association.

(6) The board shall elect from its membership a chairperson, a secretary, and a treasurer. A majority of the members of the board shall constitute a quorum. The board shall meet during the first month of the calendar year to select officers. No board member may hold the same position as an officer of the board for more than two consecutive years. At least one additional meeting shall be held before the end of the calendar year. Further meetings may be convened at the call of the chairperson, or on the request of any three board members.

(7) Members may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties in accordance with the laws of the State of Alabama and regulations of the State Personnel Director.

(b) There is established a separate special revenue fund in the State Treasury known as the Alabama State Board of Occupational Therapy Fund. All receipts collected by the board pursuant to this chapter shall be deposited in this fund and used only to carry out the provisions of this chapter. Receipts shall be disbursed only by warrant of the state Comptroller upon the State Treasurer, upon itemized vouchers approved by the chairperson. No funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Sections 41-4-80 to 41-4-96, inclusive, and Sections 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations bill or other appropriation bills. (Acts 1990, No. 90-383, p. 515, § 6; Act 2003-62, p. 96, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 2003 amendment, effective May 13, 2003, in subsection (a) deleted "hereby" preceding "established", in subdivision (1) substituted "whom shall" for "whom will", substituted "one shall be an" for "one will be an", added the fourth sentence, substituted "one shall be a" for "one will be a", substituted "initial" for "first" in two places, substituted "pursuant to" for "of", and made nonsubstantive changes, in subdivision (2) substituted "initial terms" for "above terms", substituted "initial appointments" for "the initial appointment", and substituted ". No" for ", but no", in subdivision (3) substituted "initial" for "first", and deleted "of this subsection" following "(1)", in subdivision (4) substituted "two or" for "at least two and not more than", substituted "position on the board" for "of the positions", inserted "submitted by the association", and substituted "provided in subdivision (1)" for "submitted previously by the association", in subdivision (5) substituted the license of the member" for "his/her license", deleted "such" preceding "removal", and substituted "two or" for "not less than two or more than", in subdivision (6) substituted ". The board" for "and.", and deleted the comma following "the chairperson", and in subdivision (7) deleted the comma following "duties", and deleted "by" preceding "regulations"; and in subsection (b) deleted "hereby" preceding "established", substituted "special revenue fund" for "Special Revenue Fund", deleted "to be" following "Treasury", substituted "pursuant to this chapter shall" for "under the provisions of this chapter are to", substituted "Receipts" for "Such receipts", substituted "chairperson. No" for "chairman of the board; provided that no", and substituted "to 41-4-96, inclusive, and Sections 41-19-1 to 41-19-12, inclusive" for "through 41-4-96 and 41-19-1 through 41-19-12".

Code Commissioner's Notes

Acts 1991, No. 91-165, § 2 provides: "The existence of the state board of occupational therapy, created and functioning pursuant to sections 34-39-1 through 34-39-16 of the Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved."

Acts 1995, No. 95-279, § 2 provides: "The existence and functioning of the State Board of Occupational Therapy, created and functioning pursuant to Sections 34-39-1 to 34-39-16, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 99-92, § 2 provides: "The existence and functioning of the State Board of Occupational Therapy, created and functioning pursuant to Sections 34-39-1 to 34-39-16, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 2003-62, § 2 provides: "The existence and functioning of the Alabama State Board of Occupational Therapy, created and functioning pursuant to Sections 34-39-1 to 34-39-16, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1); States ☒45.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18; States §§ 79-80, 82, 136.

§ 34-39-7. Duties of board; joint approval with Board of Medical Examiners of rules and regulations. [Historical Notes](#) [References](#)

- (a) The board shall administer, coordinate, and enforce this chapter.
- (b) The board shall, within 90 days of the time at which it is appointed, notify all current practitioners of occupational therapy in the state, as identified by the American Occupational Therapy Certification Board, of the enactment of this chapter and its otherwise becoming a law.
- (c) The board shall adopt and publish rules and regulations relating to the professional conduct to carry out the policies of this chapter, including but not limited to regulations relating to professional licensure, registration, and the establishment of ethical standards of practice. The State Board of Medical Examiners and the Alabama State Board of Occupational Therapy must jointly approve any rule, regulation or policy that interprets, explains, or enumerates the permissible acts, functions, or services rendered by an occupational therapist, occupational therapy assistant, or occupational therapy aide as those acts, functions, and services are defined in Section 34-39-3. Any rule, regulation, or policy adopted in violation of this requirement is invalid.
- (d) The board shall evaluate the qualifications of all applicants for licensure under this chapter and shall maintain a register of all persons holding a license and a record of all inspections made.
- (e) The board shall approve all examinations of applicants for licensure at least twice a year, shall determine the qualifications and authorize the issuance of licenses to qualified occupational therapists and occupational therapy assistants, and shall renew, suspend, or revoke the licenses in the manner provided.
- (f) The board may investigate complaints and allegations concerning the violation of this chapter and may examine witnesses, issue subpoenas, and administer oaths in connection with these investigations. Hearings may be conducted, provided reasonable public notice is given and records and minutes are kept in accordance with the rules and regulations of the board.
- (g) The board shall make an annual report to the Governor which shall contain an account of duties performed, actions taken, and appropriate recommendations.
- (h) The board shall establish a budget in accordance with the requirements of the state.
- (i) The board may establish and publish reasonable fees as established in Section 34-39-14.
- (j) The board may employ and discharge an executive secretary and any officers and employees as may be necessary, and shall determine their duties and fix their compensation in accordance with applicable state statutes.

(Acts 1990, No. 90-383, p. 515, § 7; Acts 1995, No. 95-279, p. 502, § 3.)

HISTORICAL NOTES

HISTORY


Amendment notes:

The 1995 amendment, effective June 29, 1995, deleted "the provisions of" preceding "this chapter" in subsection (a); deleted "of Alabama" following "state" in subsection (b); inserted "registration" in the first sentence of subsection (c); substituted "provided" for "providing" in the second sentence of subsection (f); deleted "of Alabama" following "state" in subsection (h); substituted "board may establish" for "board is empowered to establish" in subsection (i); and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-39-8. Application for license; requirements. [Historical Notes](#) [References](#)

An applicant for licensure as an occupational therapist or as an occupational therapy assistant shall file a written application on forms provided by the board, showing to the satisfaction of the board fulfillment of all of the following requirements:

(1) Applicant shall present evidence satisfactory to the board of having successfully completed the academic requirements of an educational program in occupational therapy recognized by the board.

a. For an occupational therapist, such a program shall be accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc.; or an individual may have successfully completed the career mobility program of the American Occupational Therapy Association.

b. For an occupational therapy assistant, the program shall be accredited by the American Occupational Therapy Association, Inc.

(2) Applicant shall submit to the board evidence of having successfully completed a period of supervised fieldwork experience at a recognized educational institution or a training program approved by the educational institution where he or she met the academic requirements.

a. For an occupational therapist, a minimum of 24 weeks supervised fieldwork experience is required.

b. For an occupational therapy assistant, a minimum of eight weeks supervised fieldwork experience is required.

(3) Applicant shall pass an examination as provided for in Section 34-39-9.

(Acts 1990, No. 90-383, p. 515, § 8; Acts 1995, No. 95-279, p. 502, § 3.)

HISTORICAL NOTES

HISTORY


Amendment notes:

The 1995 amendment, effective June 29, 1995, in the introductory paragraph, substituted "applicant for licensure" for "applicant applying for a license" and inserted "all of"; in subdivision (1), in paragraph a substituted "Accreditation Council for Occupational Therapy Education of" for "Committee on Allied Health Education and Accreditation/American Medical Association, in collaboration with," and substituted "career mobility program of the American Occupational Therapy Association" for "American Occupational Therapy Association's career mobility program," and substituted "shall be accredited" for "shall be approved" in paragraph b; and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-39-9. Examinations and reexamination; foreign trained applicants. [References](#)

(a) A person applying for licensure under this chapter shall demonstrate his/her eligibility in accordance with the requirements of Section 34-39-8, and shall make application for examination upon a form and in such a manner as the board shall prescribe. A person who fails an examination may make

reapplication for reexamination accompanied by the established fee.

(b) Each applicant for licensure under this chapter shall be examined by written examination to test his or her knowledge of the basic clinical sciences relating to occupational therapy, and occupational therapy theory and practice, the applicant's professional skills and judgment in the utilization of occupational therapy techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to practice. The board shall establish standards for acceptable performance by the applicant.

(c) Applicants for licensure shall be examined at a time and place and under such supervision as the board may require. Examinations shall be given at least twice each year at such places as the board may determine. The board shall give reasonable public notice of these examinations in accordance with its rules and regulations.


(d) Applicants may obtain their examination scores in accordance with such rules and regulations as the board may establish.

(e) Foreign trained occupational therapists and occupational therapy assistants shall satisfy the examination requirements of Section 34-39-8(3). The board shall require foreign trained applicants to complete educational and supervised fieldwork requirements, substantially equal to those contained in Section 34-39-8, before taking the examination.
(Acts 1990, No. 90-383, p. 515, § 9.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons  4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-39-10. Waiver of license requirements; reciprocity; notification procedure. [Historical Notes](#) [References](#)

(a) The board shall grant a license to any person certified prior to April 17, 1990 as an occupational therapist registered (OTR) or as a certified occupational therapy assistant (COTA) by the American Occupational Therapy Association, Inc. The board may waive the examination, education, or experience and grant a license to any person certified after April 17, 1990, by a national occupational therapy certification board, if the board considers the requirements for certification to be equivalent to the requirements under the terms of this chapter.

(b) The board may waive the examination, education, or experience requirements and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or an occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this chapter.

(c) The board shall cause notification to be sent to all occupational therapists and occupational therapy assistants presently employed or practicing occupational therapy in this state. The notification shall summarize the requirements of this chapter and provide information on procedures for obtaining a license.
(Acts 1990, No. 90-383, p. 515, § 10; Acts 1995, No. 95-279, p. 502, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1995 amendment, effective June 29, 1995, in the second sentence of subsection (a), deleted "so" following "person," and inserted "by a national occupational therapy certification board"; and

made a nonsubstantive change.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒4.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19-20.

§ 34-39-11. Issuance of license; limited permit; permitted representations. [References](#)

(a) The board shall issue a license to any person who meets the requirements of this chapter upon payment of the license fee as described in Section 34-39-14.

(b) The board shall issue a limited permit to persons who have completed the educational and fieldwork experience requirements of this chapter. This permit shall allow the person to practice occupational therapy under the supervision of an occupational therapist who holds a current license in this state and shall be valid until the date on which the results of the next qualifying examination have been made public. This limited permit shall not be renewed if the applicant has failed the examination.

(c) Any person who is issued a license as an occupational therapist under the terms of this chapter may use the words "occupational therapist," "licensed occupational therapist," "occupational therapist registered," or may use the letters "O.T.," "L.O.T.," or "O.T.R./L." in connection with his/her name or place of business to denote registration hereunder.

(d) Any person who is issued a license as an occupational therapy assistant under the terms of this chapter may use the words "occupational therapy assistant," "licensed occupational therapy assistant," "certified occupational therapy assistant," or may use the letters "O.T.A.," "L.O.T.A.," or "C.O.T.A./L." in connection with his or her name or place of business to denote registration hereunder.

(Acts 1990, No. 90-383, p. 515, § 11.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(1, 4).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18, 26-27.

§ 34-39-12. Denial or suspension of license; probationary conditions; hearing; reinstatement.

[References](#)

(a) The board shall, after notice and opportunity for hearing, have the power to deny or refuse to renew a license, or may suspend or revoke a license, or may impose probationary conditions, where the licensee or applicant for license has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct includes:

(1) Obtaining or attempting to obtain a license by fraud, misrepresentation, or concealment of material facts;

(2) Being guilty of unprofessional conduct as defined by the rules established by the board;

(3) Violating any lawful order, rule or regulation rendered or adopted by the board;

(4) Being convicted of a crime other than minor offenses defined as "minor misdemeanors," "violations," or "offenses" in any court if the acts for which he or she was convicted are found by the board to have a direct bearing on whether he or she should be entrusted to serve the public in the

capacity of an occupational therapist or occupational therapy assistant;

(5) Violating any provision of this chapter.

(b) Such denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license may be ordered by the board in a decision made after a hearing in the manner provided by the rules and regulations adopted by the board. One year from the date of the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may, but shall not be required to, hold a hearing to consider such reinstatement.

(Acts 1990, No. 90-383, p. 515, § 12.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(2), 11.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19, 21-24, 35.

§ 34-39-13. Expiration and renewal of licenses; fee; continuing education; late fee. [References](#)

(a) All licenses under this chapter shall be subject to renewal and shall expire unless renewed in the manner prescribed by the rules and regulations of the board upon the payment of a renewal fee. The board may set a required number of continuing education units for license renewal. The board may provide for a late renewal of license upon payment of a late renewal fee. Any license which has not been restored within three years following its expiration may not be renewed, restored, or reissued thereafter. The holder of such an expired license may apply for and obtain a valid license only upon compliance with all relevant requirements for issuance of a new license.

(b) A suspended license is subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity or in other conduct or activity in violation of the license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the reorder or judgment by which the license was suspended. If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the renewal fee and any late fee that may be applicable.

(Acts 1990, No. 90-383, p. 515, § 13.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons ☒5(2).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 19, 21-24.

§ 34-39-14. Fees authorized. [Historical Notes](#) [References](#)

The board is empowered to establish, publish and collect reasonable fees and costs in amounts determined by the board for the following purposes:

- (1) Application for examination;
- (2) Limited permit fee;
- (3) Initial license fee;
- (4) Renewal of license fee;

- (5) Late renewal fee; and
(6) The costs of conducting a hearing of any person whose license or certificate of qualification is suspended, revoked or refused as a result of such hearing.
(Acts 1990, No. 90-383, p. 515, § 14; Acts 1991, No. 91-165, p. 221, § 3.)

HISTORICAL NOTES

HISTORY


Amendment notes:

The 1991 amendment, effective June 27, 1991, substituted "establish, publish, and collect reasonable fees and costs" for "establish and publish reasonable fees" in the introductory paragraph, and added subdivision (6).

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 5(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 12-13, 18.

§ 34-39-15. Violation as misdemeanor; penalty; forfeiture and revocation of license. [References](#)


Any person who violates any provision of this chapter as set forth in Sections 34-39-4 and 34-39-13, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$250.00 and not more than \$1,000.00, or imprisonment for a period not exceeding six months, or both. A license held by any person convicted under this section shall be forfeited and revoked forthwith for one year from the date of such conviction.

(Acts 1990, No. 90-383, p. 515, § 15.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons 6(1).

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 2-3, 5, 11, 14-15, 28.

§ 34-39-16. Complaints; notice and hearing; judicial review. [Historical Notes](#) [References](#)

(a) Any person may file a complaint with the board against any licensed occupational therapist or licensed occupational therapy assistant in the state charging said person with having violated the provisions of this chapter. The complaint shall set forth specifications of charges in sufficient detail so as to disclose to the accused fully and completely the alleged acts of misconduct for which he or she is charged. When such complaint is filed, the secretary of the board shall mail a copy thereof to the accused by registered mail at his or her address of record, with a written notice of the time and place of hearing thereof, advising him or her that he or she may be present in person and by counsel if he or she so desires, to offer evidence and be heard in his or her defense.

(b) At the time and place fixed for the hearing, the board shall receive evidence upon the subject matter under consideration and shall accord the person against whom charges are preferred a full and fair

opportunity to be heard in his or her defense. The board shall be bound by the rules of evidence in contested cases under Section 41-22-13 of the Alabama Administrative Procedure Statute and all oral testimony considered by the board must be under oath. If the board finds that the licensed occupational therapist or the licensed occupational therapy assistant has violated the provisions of this chapter, it shall immediately suspend or revoke his or her licensure.

(c) The action of the board in suspending, revoking or refusing to issue a license may be appealed to the Circuit Court of Montgomery County accompanied by a bond to be approved by the court. The notice of appeal shall be filed within 30 days from the receipt of such order or ruling. Appeals shall be governed by the judicial review provisions of Section 41-22-20 of the Alabama Administrative Procedure Statute, except that the review procedure provided therein shall not suspend the action of the board nor stay the enforcement of any order in the suspension, revocation or refusal of a license. (Acts 1990, No. 90-383, p. 515, § 16; Acts 1991, No. 91-165, p. 221, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1991 amendment, effective June 27, 1991, added the subsection designations; in subsection (b) substituted the present language of the second sentence following "shall" for "not be bound by strict or technical rules of evidence but shall consider all evidence fully and fairly; provided, however, that all oral testimony considered by the board must be under oath," and inserted "suspend or" in the third sentence; and rewrote subsection (c).

REFERENCES

LIBRARY REFERENCES

American Digest System:

Physicians and Surgeons  5(3), 11.3.

Corpus Juris Secundum:

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 25, 43.

Smart Budgeting

State of Alabama	AGENCY NAME: Bd of Occupational Therapy	Agency No. _354_		
EBO Form No. 4b	FY 2006 SMART OPERATIONS PLAN	Page _1_ of _1_		
		ACTUAL FY04	BUDGET FY05	BUDGET FY06
MISSION	To safeguard the public health, safety, and welfare, and to assure the availability of OT services (34-39-2)			
VISION (Optional)	Gov's Priority #5			
VALUES (Optional)				
CRITICAL ISSUES				
(Optional)				
Internal				
External				
PROGRAM	Professional & Occupational Licensing (\$ in _____)			
ACTIVITY	Licensing & Regulation of Occupational Therapy (\$ in thousands)	\$85.7	\$130.0	\$130.0
MISSION	To license qualified candidates, investigate & discipline licensees for unlawful conduct			
GOAL(S)	To provide timely services to those seeking or licensed by this state			
WORKLOAD	Number of licensees will increase by 1%	1,322.0	1,335.0	1,348.0
CRITICAL ISSUES				
Internal	Demand to be technology efficient			
External	Timelines of appointments & nominations of Board Members			
OBJECTIVES				
Spending	Maintain current spending without an increase (\$ in thousands)	\$85.7	\$130.0	\$130.0
	(\$ in _____)			
Staffing	Maintain current staff with no increase (FTE)	1.0	1.0	1.0
Efficiency	Maintain current administrative efficiency in filing applications Hours	16.0%	16.0%	16.0%
Quality	All applications to be filed in an efficient & timely manner upon receipt # of applications	92.00	80.00	120.00
STRATEGIES				
	Be accessible to licensees using technology, phone, etc.			
	Maintain up to date computer technology.			

Smart Quarterly Performance Report												
Fiscal Year: 2006												
Agency: 354 Occupational Therapy, Board of												
Org:												
Program: 653 PRO AND OCCU LICENSING AND REG												
Activity: 0482 LIC & REG OF OCCUP THERAPISTS												
Performance Measures												
Workload/Cost Factor	Performance Indicator	First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual		
		Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
WC1: Licenses Issued	#	30	22	30	0	30	0	30	0	120	0	
WC2: Limited Permits Issued	#	8	7	8	0	8	0	8	0	32	0	
WC3: Renewals Approved	#	100	71	50	0	300	0	75	0	525	0	
Spending	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
		37,223	24,064	30,339	0	34,331	0	28,107	0	130,000	0	
SPI: Maintain current spending without an increase												
0												
Staffing	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
		1	1	1	0	1	0	1	0	1	0	
ST1: Executive Director	FTE											
Quality	Performance Indicator	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	Projected	Actual	
		0.95	95	0.95	0	0.95	0	0.95	0	0.95	0	
QU1: Applications processed date of receipt												

Board Members



Alabama State Board of Occupational Therapy

P.O. Box 3926

334-353-4466

Montgomery, AL 36109-0926

April 7, 2006

Leah Veach
Examiners of Public Accounts
P.O. Box 30221
Montgomery, AL 36130-2251

Dear Ms. Leach:

Below is a list of the current members of this board:

Angela Davis, OTR - Chairperson
8725 Robins Look Court
Montgomery, AL 36117
Appointed October 2002
Reappointed June 2004
Term Expiration December 31, 2005

Lee H. Darden, OTR
P.O. Box 430
Vincent, AL 35178
Appointed February 1998
Reappointed March 2001
Term Expiration December 31, 2003

Nancy Hanks, COTA
203 Dearborn Drive
Dothan, AL 36305
Appointed March 2001
Term Expiration December 31, 2003

Irna Beckham-Mathews, OTR
19330 Shepard Lake Road
Mt. Vernon, AL 36560
Appointed July 2002
Term Expiration December 31, 2004

Sincerely,

Ann Cosby
Executive Director